



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

September 12, 2017

TO: Michigan Court Forms Committee, Delinquency and Designated Workgroup

FROM: Matthew Walker, Forms and Manuals Analyst

RE: Agenda and Materials for **October 5, 2017 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa St., Lansing, MI 48915

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Below is the agenda for the October 5, 2017 meeting of the Michigan Court Forms Committee, Delinquency and Designated Workgroup. The meeting will be held in room 1S-69 and begin at 9:30 a.m. WebEx will be available for this meeting. **If you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 W. Ottawa St., Lansing, MI 48915.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

### 1. Minor Changes

#### **PC 100, Petition for Emancipation, Affidavit, and Waiver of Notice**

#### **PC 102, Petition to Rescind Order of Emancipation**

References to “mother” and “father” will be replaced with “parent” to accommodate same-sex marriages.

#### **JC 73, Order Delaying Sentence (Designated Case)**

Item 15 will be removed as decided by the 2016 Delinquency Workgroup. Subsequent items will be renumbered.

## **2. JC 01, Complaint (Request for Action, Delinquency Proceedings)**

It has been suggested that this form be deleted. SCAO analysts would like to discuss how courts use this form, if at all.

If this form is retained, non-matching footer citations on pages one and two will be reviewed to determine if any should be removed.

Public Comments:

- Carmen Janik  
Juvenile Program Supervisor  
6<sup>th</sup> Circuit Court, Oakland County

Oakland County Juvenile Court requires police agencies to file the JC01 Complaint form to open/initiate action on a delinquency file. It has been incorporated into the police training that Oakland County puts on every year for the police agencies. Personally, I would like for it to remain because it has the required information needed for review by the prosecutor and the juvenile referee.

- Scott Hamilton  
Juvenile Court Referee Supervisor  
Oakland County Circuit Court – Family Division

Every police department in Oakland County uses this form as their request for action on a case. They use the boxes at the bottom to request the filing of a petition or some other type of action. They use the form to tell us what crime they believe the juvenile committed and we in court intake use it to decide what to do next – send the case to the prosecutor for a formal petition, divert the case to an outside agency, deny the case, handle the case without a petition ourselves under the juvenile diversion act, etc.

PLEASE do not get rid of this form. I have no idea what our police departments would do without it. They do not write petitions – the prosecutor's office does. This complaint, along with the police report, starts that process.

## **3. JC 14a, Order of Disposition, In-Home (Delinquency Proceedings)**

It has been suggested by the Michigan Department of Health and Human Services (MDHHS) that checkboxes for commitment and referral as state ward be added to this form.

Previously, courts used form JC 25, Order of Disposition, Commitment or Referral to Department of Health and Human Services to commit or refer a juvenile as a state ward. In 2016, JC 25 was deleted and merged into JC 14b, Order of Disposition, Out-of-Home. The

commitment and referral options were not included on JC 14a at that time because it was believed that juveniles could not be placed in-home and still be referred or committed as a state ward.

Can a juvenile be placed in-home and be referred or committed as a state ward? If so, does this practice occur often enough that JC 14a should accommodate it?

**4. New Form Request: Order After Arraignment (Designated Case)**

In 2016, the committee agreed that a new order after arraignment form should be created for designated cases. Below is an excerpt of the minutes:

The committee discussed creating a new order after arraignment form for designated cases. The committee agreed that the form should be created because no order after arraignment exists for designated cases and it would be useful to document the arraignment in writing. SCAO staff will present a draft of the form at the next workgroup meeting for review.

A proposed draft is presented for review. Are there additional items that should be included on this form?